

REFERENCE TITLE: school districts; universities; recesses; coordination

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2128

Introduced by
Representative Petersen

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-245; AMENDING SECTIONS 15-801 AND 15-1626, ARIZONA
REVISED STATUTES; RELATING TO ACADEMIC CALENDARS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes, is amended by adding section 15-245, to read:

15-245. Spring and fall recesses; coordination; exemption

A. EACH YEAR, THE DEPARTMENT OF EDUCATION AND THE ARIZONA BOARD OF REGENTS SHALL JOINTLY DESIGNATE ONE WEEK IN THE FALL AND ONE WEEK IN THE SPRING DURING WHICH ALL SCHOOL DISTRICTS AND ALL UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS SHALL RECESS.

B. A SCHOOL THAT OPERATES ON A YEAR-ROUND SCHOOL YEAR BASIS PURSUANT TO CHAPTER 8, ARTICLE 4 OF THIS TITLE IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION.

Sec. 2. Section 15-801, Arizona Revised Statutes, is amended to read:

15-801. School year; school month; holidays; recesses

A. Except as may be otherwise authorized by the superintendent of public instruction to accommodate a year-round school operation, an educational program offered on the basis of a ~~four-day~~ FOUR-DAY school week or an alternative kindergarten program offered on the basis of a ~~three-day~~ THREE-DAY school week, the school year shall begin July 1 and end June 30 and a school month is twenty school days, or four weeks of five days each.

B. When July 4, Veterans' Day, December 25 or Thanksgiving Day occurs within the school week, the schools shall be closed and the compensation of the teachers shall not be diminished on that account.

C. SCHOOL DISTRICT governing boards ~~of school districts~~ may declare a recess during the Christmas holiday season of not to exceed two school weeks, and teachers shall receive compensation during the recess. EXCEPT AS PRESCRIBED IN SECTION 15-245, SUBSECTION B, SCHOOL DISTRICT GOVERNING BOARDS SHALL DECLARE A FALL RECESS AND A SPRING RECESS ON THE DATES PRESCRIBED BY THE DEPARTMENT OF EDUCATION AND THE ARIZONA BOARD OF REGENTS PURSUANT TO SECTION 15-245, SUBSECTION A.

Sec. 3. Section 15-1626, Arizona Revised Statutes, is amended to read:

15-1626. General administrative powers and duties of board; definition

A. The ARIZONA board OF REGENTS shall:

1. Have and exercise the powers necessary ~~for the effective governance~~ TO EFFECTIVELY GOVERN and ~~administration of~~ ADMINISTER the institutions under its control. To that end, the board may adopt, and authorize each university to adopt, such regulations, policies, rules or measures as are deemed necessary and may delegate in writing to its committees, to its university presidents, or their designees, or to other entities under its control any part of its authority ~~for the administration~~ TO ADMINISTER and ~~governance of~~ GOVERN such institutions, including those powers enumerated in section 15-1625, subsection B,

1 paragraphs 2 and 4, paragraphs 3, 4, 8, 9, 11 and 12 of this subsection
2 and subsection B of this section. ~~THE BOARD MAY RESCIND~~ any delegation of
3 authority ~~may be rescinded by the board~~ at any time in whole or in part.

4 2. Appoint and employ and determine the compensation of presidents
5 with such power and authority and for such purposes in connection with the
6 operation of the institutions as the board deems necessary.

7 3. Appoint and employ and determine the compensation of
8 ~~vice-presidents~~ ~~VICE PRESIDENTS~~, deans, professors, instructors,
9 lecturers, fellows and such other officers and employees with such power
10 and authority and for such purposes in connection with the operation of
11 the institutions as the board deems necessary, or delegate its authority
12 pursuant to paragraph 1 of this subsection.

13 4. Remove any officer or employee when the interests of education
14 in this state so require in accordance with its personnel rules and
15 policies.

16 5. Fix tuitions and fees to be charged and differentiate the
17 tuitions and fees between institutions and between residents,
18 nonresidents, undergraduate students, graduate students, students from
19 foreign countries and students who have earned credit hours in excess of
20 the credit hour threshold. For the purposes of this paragraph, the
21 undergraduate credit hour threshold is one hundred forty-five hours for
22 students who attend a university under the jurisdiction of the board. The
23 undergraduate credit hour threshold shall be based on the actual full-time
24 equivalent student enrollment counted on the forty-fifth day of every fall
25 and spring semester, divided by two, and any budget adjustment based on
26 student enrollment shall occur in the fiscal year following the actual
27 full-time equivalent student enrollment count. The undergraduate credit
28 hour threshold ~~shall~~ ~~DOES~~ not apply to degree programs that require credit
29 hours above the credit hour threshold, credits earned in the pursuit of up
30 to two baccalaureate degrees, credits earned in the pursuit of up to two
31 state regulated licensures or certificates, credits earned in the pursuit
32 of teaching certification, credits transferred from a private institution
33 of higher education, credits transferred from an institution of higher
34 education in another state, credits earned at another institution of
35 higher education but that are not accepted as transfer credits at the
36 university where the student is currently enrolled and credits earned by
37 students who enroll at a university under the jurisdiction of the board
38 more than twenty-four months after the end of that student's previous
39 enrollment at a public institution of higher education in this state. On
40 or before October 15 of each year, the board shall report to the joint
41 legislative budget committee the number of in-state students and
42 out-of-state students who were enrolled at universities under the
43 jurisdiction of the board during the previous fiscal year and who met or
44 exceeded the undergraduate credit hour threshold prescribed in this
45 paragraph. The amount of tuition and fees included in the operating

1 budget for the university adopted by the board as prescribed in paragraph
2 13 of this subsection shall be subject to legislative appropriation and
3 deposited in a separate tuition and fees subaccount for each university.
4 All other tuition and fee revenue shall be retained by each university for
5 expenditure as approved by the board in a separate local tuition and fees
6 subaccount for each university. This subaccount shall consist of only
7 tuition and fees. The universities shall not use any tuition or fee
8 revenue to fund or support an alumni association.

9 6. Adopt rules to govern its tuition and academic fee setting
10 process that provide for the following:

11 (a) At least one public hearing at each university as an
12 opportunity for students and members of the public to comment on any
13 proposed increase in tuition or fees.

14 (b) Publication of the notice of public hearing at least ten days
15 before the hearing in a newspaper of general circulation in Maricopa
16 county, Coconino county and Pima county. The notice shall include the
17 date, time and location of the public hearing.

18 (c) Public disclosure by each university of any proposed increases
19 in tuition or fees at least ten days before the public hearing.

20 (d) A roll call vote of any final board action on changes in
21 tuition, including tuition rate changes for online programs, or academic
22 fees.

23 (e) Public disclosure by the board and each university of any final
24 board action on changes in tuition or academic fees.

25 7. Pursuant to section 35-115, submit a budget request for each
26 institution under ~~its~~ THE BOARD'S jurisdiction that includes the estimated
27 tuition and fee revenue available to support the programs of the
28 institution as described in the budget request. The estimated available
29 tuition and fee revenue shall be based on the tuition and registration fee
30 rates in effect at the time the budget request is submitted with
31 adjustments for projected changes in enrollment as provided by the board.

32 8. Establish curricula and designate courses at the several
33 institutions that in ~~its~~ THE BOARD'S judgment will best serve the
34 interests of this state.

35 9. Award such degrees and diplomas on the completion of such
36 courses and curriculum requirements as ~~it~~ THE BOARD deems appropriate.

37 10. Prescribe qualifications for admission of all students to the
38 universities. The board shall establish policies for guaranteed admission
39 that ensure fair and equitable access to students in this state from
40 public, private and charter schools and homeschools. For the purpose of
41 determining the qualifications of honorably discharged veterans, veterans
42 are those persons who served in the armed forces for a minimum of two
43 years and who were previously enrolled at a university or community
44 college in this state. ~~No~~ Prior failing grades received by the veteran at
45 the university or community college in this state may NOT be considered.

1 11. Adopt any energy conservation standards adopted by the
2 department of administration for the construction of new buildings.

3 12. Employ for such time and purposes as the board requires
4 attorneys whose compensation shall be fixed and paid by the board.
5 Litigation to which the board is a party and for which self-insurance is
6 not provided may be compromised or settled at the direction of the board.

7 13. Adopt annually an operating budget for each university equal to
8 the sum of appropriated STATE general fund monies and the amount of
9 tuition and fees approved by the board and allocated to each university
10 operating budget.

11 14. In consultation with the state board of education and other
12 education groups, develop and implement a program to award honors
13 endorsements to be affixed to the high school diplomas of qualifying high
14 school pupils and to be included in the transcripts of pupils who are
15 awarded endorsements. The board shall develop application procedures and
16 testing criteria and adopt testing instruments and procedures to
17 administer the program. In order to receive an honors endorsement, a
18 pupil must demonstrate an extraordinary level of knowledge, skill and
19 competency as measured by the testing instruments adopted by the board in
20 mathematics, English, science and social studies. Additional subjects may
21 be added at the determination of the board. The program is voluntary for
22 pupils.

23 15. Require the publisher of each literary and nonliterary textbook
24 used in the universities of this state to furnish to the Arizona board of
25 regents computer software in a standardized format when software becomes
26 available for nonliterary textbooks from which braille versions of the
27 textbooks may be produced.

28 16. Require universities that provide a degree in education to
29 require courses that are necessary to obtain a provisional structured
30 English immersion endorsement as prescribed by the state board of
31 education.

32 17. Acquire United States flags for each classroom that are
33 manufactured in the United States and that are at least two feet by three
34 feet and hardware to appropriately display the United States flags,
35 acquire a legible copy of the Constitution of the United States and the
36 Bill of Rights, display the flags in each classroom in accordance with
37 title 4 of the United States Code and display a legible copy of the
38 Constitution of the United States and the Bill of Rights adjacent to the
39 flag.

40 18. To facilitate the transfer of military personnel and their
41 dependents to and from the public schools of this state, pursue, in
42 cooperation with the state board of education, reciprocity agreements with
43 other states concerning the transfer credits for military personnel and
44 their dependents. A reciprocity agreement entered into pursuant to this
45 paragraph shall:

- 1 (a) Address procedures for each of the following:
- 2 (i) The transfer of student records.
- 3 (ii) Awarding credit for completed coursework.
- 4 (iii) ~~Permitting~~ ALLOWING a student to satisfy the graduation
- 5 requirements prescribed in section 15-701.01 through the successful
- 6 performance on comparable exit-level assessment instruments administered
- 7 in another state.
- 8 (b) Include appropriate criteria developed by the state board of
- 9 education and the Arizona board of regents.
- 10 19. Require a university to publicly post notices of all of its
- 11 employment openings, including the title and description, instructions for
- 12 applying and relevant contact information.
- 13 20. In consultation with the community college districts in this
- 14 state, develop and implement common equivalencies for specific levels of
- 15 achievement on advanced placement examinations and international
- 16 baccalaureate examinations in order to award commensurate postsecondary
- 17 academic credits at community colleges and public universities in this
- 18 state.
- 19 21. On or before August 1 of each year, report to the joint
- 20 legislative budget committee the graduation rate by university campus
- 21 during the previous fiscal year. The board shall also report the
- 22 retention rate by university campus and by class, as determined by date of
- 23 entry during the previous fiscal year.
- 24 22. DECLARE A FALL RECESS AND A SPRING RECESS ON THE DATES
- 25 PRESCRIBED BY THE DEPARTMENT OF EDUCATION AND THE ARIZONA BOARD OF REGENTS
- 26 PURSUANT TO SECTION 15-245.
- 27 B. The board shall adopt personnel policies for all employees of
- 28 the board and the universities.
- 29 C. In conjunction with the auditor general, the board shall develop
- 30 a uniform accounting and reporting system, which shall be reviewed by the
- 31 joint legislative budget committee before final adoption by the board.
- 32 The board shall require each university to comply with the uniform
- 33 accounting and reporting system.
- 34 D. The board may employ legal assistance in procuring loans for the
- 35 institutions from the United States government. Fees or compensation paid
- 36 for such legal assistance shall not be a claim on the STATE general fund
- 37 ~~of this state~~ but shall be paid from funds of the institutions.
- 38 E. The board shall approve or disapprove any contract or agreement
- 39 entered into by the university of Arizona hospital with the Arizona
- 40 industrial development authority.
- 41 F. The board may adopt policies that authorize the institutions
- 42 under its jurisdiction to enter into employment contracts with nontenured
- 43 employees for periods of more than one year but not more than five years.
- 44 The policies shall prescribe ~~limitations~~ LIMITS on the authority of the
- 45 institutions to enter into employment contracts for periods of more than

one year but not more than five years, including the requirement that the board approve the contracts.

G. The board may adopt a plan or plans for employee benefits that allow for participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.

H. The board may establish a program for the exchange of students between the universities under the jurisdiction of the board and colleges and universities located in the state of Sonora, Mexico. Notwithstanding subsection A, paragraph 5 of this section, the program may provide for in-state tuition at the universities under the jurisdiction of the board for fifty Sonoran students in exchange for similar tuition provisions for up to fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or universities. The board may direct the universities to work in conjunction with the Arizona-Mexico commission to coordinate recruitment and admissions activities.

I. The Arizona board of regents, in collaboration with the universities under its jurisdiction, shall adopt a performance funding model. The performance funding model shall use performance metrics that include the increase in degrees awarded, the increase in completed student credit hours and the increase in externally generated research and public service funding. The funding formula may give added weight to degrees related to science, technology, engineering and mathematics and other high-value degrees that are in short supply or that are essential to this state's long-term economic development strategy.

J. The Arizona board of regents shall use the performance funding model adopted pursuant to subsection I of this section in developing and submitting budget requests for the universities under its jurisdiction.

K. On or before November 1 of each year, the Arizona board of regents shall submit to the joint legislative budget committee and the governor's office of strategic planning and budgeting a report on university debt and obligations, including:

1. Long-term notes and obligations.
2. Certificates of participation and other obligations pursuant to any lease-purchase agreements.
3. Revenue bonds.
4. Bonds issued pursuant to section 15-1682.03.
5. Commercial paper issued pursuant to section 15-1696.

L. The report issued pursuant to subsection K of this section shall contain, for the most recent fiscal year:

1. The aggregate level of outstanding principal and the principal and interest payments, by type of debt or obligation.
2. An itemization, by campus and project, of the amount of yearly principal and interest to be paid in the most recent and the next five fiscal years.

1 M. The board may enter into an intergovernmental agreement pursuant
2 to section 15-1747 to manage universities under its jurisdiction subject
3 to the terms of the reciprocity agreement.

4 N. For the purposes of this section, "university debt and
5 obligations" means debt and obligations, the principal and interest of
6 which are paid in whole or in part with university monies.